IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1399 OF 2007

Suryadatta Shardaprasad Pandey. ...Applicant.
Versus
The State of Maharashtra ...Respondent.

....
Mr.R.S.Mishra, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.
....

CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 5th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in FIR No.77 of 2007 of Dahisar Police Station. The said case is under Sections 380, 452 of IPC.

3. It is the prosecution case that the applicant was the tenant of the complainant. The said room was given on rent to the applicant in August, 2001. However, thereafter as the rent was not paid, the complainant took possession of the said room and dumped the household articles which

were in the said room elsewhere. According to the complainant some persons opened the lock of the said room and removed the articles from the said room. Hence, the complainant lodged this FIR. According to the complainant property worth Rs.75,000/- and cash of Rs.15,000/- was taken away by the persons. According to the prosecution, the property worth Rs.75,000/- and the cash of Rs.15,000/- was taken away at the behest of the present applicant.

4. The learned APP states that the custody of the applicant is necessary for recovery of the household articles of the complainant worth Rs.75,000/- and cash of Rs.15,000/-. The learned APP, on instructions, further submitted that if the amount of Rs.90,000/- (i.e. amount of Rs.75,000/- towards household articles, and cash of Rs.15,000/-) is handed over to the Investigating Officer, the custody of the applicant would not be necessary.

5. Mr.Mishra, the learned Advocate for the applicant, on instructions, states that the

applicant, without admitting his complicity in the offence, is willing to deposit amount of Rs.90,000/- with the Investigating Officer by 30th June, 2007. If the applicant deposits the amount of Rs.90,000/-, in my view, his custody would not be necessary.

6. In this view of the matter, I am inclined to grant anticipatory bail to the applicant.

7. In the event of arrest, the applicant - Suryadatta Shardaprasad Pandey to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant shall report to Dahisar Police Station for fifteen days from 10:00 a.m. to 2:00 p.m., starting from 8th June, 2007; and thereafter once in a week till conclusion of the trial.

8. It is clarified that the said amount of Rs.90,000/- is to be deposited by the applicant with the concerned Investigating Officer by 30th June, 2007. If the said amount is not deposited by 30th June, 2007, this order granting

anticipatory bail shall automatically stand cancelled and the applicant can be taken into custody.

9. It is made clear that the deposit of amount of Rs.90,000/- by the applicant shall not be construed as an admission of his guilt or his involvement in the said case in any manner. At the end of the trial, the trial Judge shall pass appropriate orders in respect of the amount of Rs.90,000/- deposited by the applicant with the Investigating Officer.

10. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)